

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re:

MILDRED STANLEY



Order Filed on August 26, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 20-10476 (JKS)

Chapter 13

Hearing Date: September 10, 2020 @ 10:00A.M.

Judge: John K. Sherwood

ORDER APPROVING LOAN MODIFICATION

The relief set forth on the following pages, numbered two (2) is hereby **ORDERED**.

DATED: August 26, 2020

Honorable John K. Sherwood
United States Bankruptcy Court

THIS MATTER having come before the Court upon the Debtors' Notice of Motion for an Order approving a Loan Modification Agreement, and the Court having examined the evidence presented, and for good cause shown, it is hereby

ORDERED, as follows:

1. The Court hereby authorizes the Secured Creditor and the debtor(s), to enter into a loan modification.
2. The loan modification agreement between the Secured Creditor and the Debtor, attached as an Exhibit to the Debtor's Motion is approved.
3. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Secured Creditor shall amend the arrearage portion of its Proof of Claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification.
4. The Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of loan modification and all money that would otherwise be paid to secured creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the secured creditor that the modification was not consummated.
5. In the event the modification is not consummated, the secured creditor shall notify the Trustee and debtors' attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to secured creditor.
6. In the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to other creditors in accordance with the provision of the confirmed plan.
7. With respect to any post-petition orders, claims for post-petition mortgage arrears, and orders for creditor's attorney's fees which are being capitalized into the loan, secured creditor will amend any and all post-petition orders or claims within 30 days after completion of the loan modification.
8. Communication and/or negotiations between Debtor and mortgagees/mortgage servicers about the loan modification, and the recording of the loan modification, shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against other in any subsequent litigation.